

United States Court of Appeals For the First Circuit

No. 09-2435

CHRISTOPHER STALLINGS,

Petitioner,

v.

UNITED STATES,

Respondent.

Before

Torruella, Boudin and Lipez,
Circuit Judges.

JUDGMENT

Entered: November 6, 2009

Petitioner has submitted to this court as an original matter a petition under 28 U.S.C. § 2255. So far as appears, petitioner has not yet filed a § 2255 petition in the district court, and the filing therefore is not an application for leave to file a second or successive § 2255 petition. Because a first § 2255 petition must be filed with "the court which imposed the sentence," 28 U.S.C. § 2255(a), we transfer this petition to the United States District Court for the district of New Hampshire.

The motion for appointment of counsel is denied without prejudice to petitioner moving in the district court for appointed counsel.

By the Court:

/s/ Margaret Carter, Chief Deputy Clerk.

cc:

Christopher Stallings

Donald A. Feith

Aixa Maldonado

James R. Starr, Clerk.